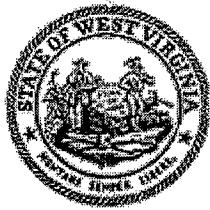


## OFFICE OF THE SECRETARY OF STATE

STATE OF WEST VIRGINIA



Betty Ireland  
Secretary of State

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305  
Telephone: 304-558-6000  
Toll Free: 866-SOS-VOTE  
[www.wvsos.com](http://www.wvsos.com)

## LEGAL NOTICE

Ronald D. Lawson, Clerk  
United States District Court  
Southern District of West Virginia  
300 Virginia Street East #2400  
Charleston, WV 25301-2523

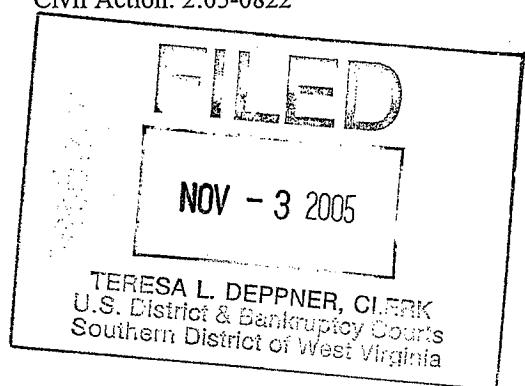
I am enclosing:

- summons
- notice
- order
- petition
- motion
- interrogatories
- suggestions
- subpoena duces tecum
- summons and complaint
- 3rd party summons and complaint
- summons returned from post office
- certified return receipt

- original
- affidavit
- answer
- cross-claim
- counterclaim
- request
- demand
- default judgement
- complaint
- notice of mechanic's lien
- suggestee execution
- summons and amended complaint

October 31, 2005

Civil Action: 2:05-0822



which was served on the Secretary at the State Capitol in her capacity as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of White Mountain Mining Co., LLC.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about these documents directly to the court or to the plaintiff's attorney, shown in the enclosed paper. Please do not call the Secretary of State's office.*

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki Haught".

Vicki Haught  
Manager

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

AMERICAN METALS & COAL  
INTERNATIONAL, INC., a Delaware  
corporation,

Plaintiff,

v.

WHITE MOUNTAIN MINING CO., LLC,  
a West Virginia limited liability company;  
and APACHE MINING CO., L.L.C., a  
West Virginia limited liability company,

SUMMONS IN A CIVIL ACTION  
CIVIL ACTION NO. 2:05-cv-0822

Defendants.

TO [Name and address of defendant]:

WHITE MOUNTAIN MINING CO., LLC  
c/o Joseph C. Phillips  
109 Appalachian Drive  
Beckley, WV 25801

YOU ARE HEREBY SUMMONED and required to serve on [Name and address of Attorney(s) for Plaintiff(s)]:

Brian A. Glasser (WVSB # 6597)  
Bailey & Glasser, LLP  
227 Capitol Street  
Charleston, WV 25301

A. B. Maloy (WVSB # 9305)  
Bailey & Glasser, LLP  
227 Capitol Street  
Charleston, WV 25301

an answer to the complaint which is served on you with this summons, within 60 days of service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TERESA L. DEPPNER, CLERK OF COURTS

DATE: OCT 11 2005

BY: Engema Berger  
DEPUTY CLERK

ACCEPTED FOR

SERVICE OF PROCESS

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

2005 OCT 26 AM 11:12

SECRETARY OF STATE  
STATE OF WEST VIRGINIAAddress of ServerSignature of ServerDateExecuted on

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

**DECLARATION OF SERVER**

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

**STATEMENT OF SERVICE FEES** Other (specify): Returned unexecuted:

Name of person with whom the summons and complaint were left:

 Discretion then residing therein. Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and Served personally upon the defendant. Place where served:

Check one box below to indicate appropriate method of service

NAME OF SERVER (PRINT)	TITLE
Service of the Summons and complaint was made by me (initials)	
DATE	

**RETURN OF SERVICE**

2. Article Number:



7160 3901 9848 9218 4745

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

2:05-0822

White Mountain Mining Co., LLC  
Joseph C Phillips  
109 Appalachian Drive  
Beckley, WV 25801

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Andrea S. Lynch 10-28-05

B. Date of Delivery

C. Signature

Agent  
 Addressee

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

Yes  
 No